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REMARKS

Status of the Claims

- Claims 1-9 are pending in the Application after entry of this amendment.
- Claims 1-9 are rejected by Examiner.
- Claims 1, 4-9 are amended by Applicant.
- Claim 2 is cancelled.

Claim Rejections Pursuant to 35 U.S.C. §102

Claims 1 and 6-9 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,615,248 to Smith et al. (Smith). Applicant respectfully traverses the rejection via amendment.

Independent Claim 1 is amended to include aspects of dependent Claim 2, now cancelled, that include sending a notification to the controlling device upon creation of the local list by the device, and transferring the local list from the device to the controlling device upon receipt by the device of a transfer request. Support for this amendment can be found in the specification on page 6, lines 30-36 and in Figures 2-3 of the as-filed application. Independent Claims 7, 8, and 9 are likewise amended.

Smith describes a method for searching, accessing and displaying data from various content sources through a single user interface. The method of Smith includes providing a first user selectable object via the single user interface, and providing a second user selectable object via the single user interface. The Smith method also comprises receiving a user generated search query; searching through data available from the first content source and from the second content source for data related to the user generated search query; displaying results of data found from the first content source and/or the second content source determined to be related to the user generated search query. (See Smith, col. 2, lines 48-65).

However, Smith fails to teach a method or device which includes sending a notification to the controlling device upon creation of the local list by the device and transferring the local list from the device to the controlling device upon receipt by the device of a transfer request as recited in amended independent Claims 1 and 7-9.

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Since Smith fails to teach all of the elements of amended independent Claims 1,
and 7-9, then Smith cannot anticipate these independent claims and dependent Claim 6
under 35 U.S.C. §102. Applicant respectfully requests reconsideration of the 35 U.S.C.
§102(e) rejection of Claims 1 and 6-9 based on the above-mentioned claim amendments
and remarks.

Claim Rejections Pursuant to 35 U.S.C. §103

Claims 2-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over
U.S. Patent No. 6,615,248 to Smith et al. (Smith) in view of U.S. Patent No. 6,931,593
to Grooters et al. (Grooters). Applicant respectfully traverses the rejection.

The teachings of Smith were discussed briefly above. In addition, it is noted that
Smith also describes the aspect that a user inputs a search query to generate a search
across various content sources. Smith at col. 9, lines 1-8 states:

"In a preferred embodiment, the user is able to directly enter a "search query" in
query entry 440 and select the Object Related Any 423 option to search across various
content sources, such as an EPG, the Internet, Games, Music Guide, etc., for relevant
data relating to the "search query", rather than having to conduct an initial content
specific search before being able to select the Object Related Any 423 search option."

(Smith, col. 9, lines 108).

Applicant respectfully submits that this limitation of receiving a user-generated
search query as part of a content search is a principle of operation of Smith. It is
observed that this principle of operation, receiving a user generated search query, is so
important to the invention of Smith that this element appears in every independent
claim of Smith. (See Smith, Claims 1, 8, and 15.) Thus, Smith relies on the action of
receiving a user generated search query in order to conduct a search for content.

Grooters describes an automatic channel generator and a method for generating
a channel based upon the utilization of a device and activities occurring on the device.
The information appliance is capable of searching the Internet for data associated with
media being delivered by a device on the local network system. The aggregates of

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content can be collected automatically, and its presentation may be customized by a user. (See Grooters, Abstract)

Concerning Figure 4 of Grooters, col. 6, lines 26-36 states:

"Referring to FIG. 4, an exemplary flow chart of a process 400 of generating a home entertainment channel and home control channel *automatically* by the system of the present invention is shown. The system of the present invention must *automatically* check the devices connected to a network and automatically detect the addition of a new device 410. At this point, the device may be classified 420. If a type of home entertainment device is detected by the information appliance in step 430, a DVD player for example, a home entertainment channel may be created to a list of standard channels available on the information appliance in step 440."

Concerning Figure 5 of Grooters, col. 6, lines 44-49 states:

"In FIG. 5, a flow chart representing an exemplary process 500 for creating or modifying channels related to specific devices connected to a local network is shown. A first step 510 may check if new devices have been added to the network. An enumeration of the devices is accomplished by the information appliance in step 520. *The system queries if the device is present in step 525.*"

Concerning Figure 6 of Grooters, col. 7, lines 10-20 states:

"The present invention is not limited to just DVD movies. The present invention may produce channels relating to the artist or recording label or genre of various storage medium. Also, *video games that are played on a video game device may cause the information appliance to generate content* relating to the characters within the specific video games. Other types of activities enjoyed through devices which may be operably connected to a network and an information appliance of the present invention may also *generate channels without user intervention* without departing from the scope and spirit of the present invention."

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Thus, Grooters describes a system and method that automatically generates "channels" without user intervention. The lack of user intervention (i.e. no user generated search query) of Grooters is incompatible with Smith because, as discussed above, Smith requires a user generated query to collect content. Modifying Smith by adding the limitations of Grooters impermissibly changes the principle of operation of Smith as expressed in MPEP §2143.01 Part VI.

MPEP §2143.01 Part VI states:

THE PROPOSED MODIFICATION CANNOT CHANGE THE PRINCIPLE OF OPERATION OF A REFERENCE

"If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious."

(MPEP §2143.01, Part VI)

Since the addition of the automatic channel collection of content in Grooters changes the "user-generated query" content collection operation principle of Smith, then the combination of Smith and Grooters are not sufficient to render the pending claims prima facie obvious per MPEP §2143.01 Part VI. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. §103 rejection of pending Claims 2-5 because no prima facie case of obviousness can be made with the combination of Smith and Grooters per the discussion above.

In another aspect, amended Claim 1, upon which Claims 3-5 depend, includes the aspects of sending a notification to the controlling device upon creation of the local list by the device, and transferring the local list from the device to the controlling device upon receipt by the device of a transfer request.

Applicant respectfully submits that neither Smith, nor Grooters, nor the combination of Smith and Grooters teach or suggest the amended features of pending independent Claim 1. Thus, it is respectfully submitted that Claim 1 is neither obvious nor anticipated and therefore patentable. Accordingly, pending Claims 3-5, which depend on independent Claim 1, are also non-obvious per MPEP §2143.03.

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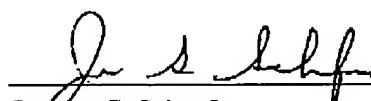Serial No. 10/540,149   **JUL 1 5 2008**   PF030020

Conclusion

    Applicant respectfully submits that the amended pending claims patentably define over the cited art and respectfully requests reconsideration and withdrawal of the rejections of all pending claims.

    If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 07-0832 therefore.

Respectfully submitted,
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